(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1443 of 2007.

PETITIONER : Kailash Bihari Kaushik, S/o Bidur Lal Kaushik, Aged about 43 years, Assistant Teacher, Government Middle School, Pandaniya, District Korba (C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through the Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, District Korba (C.G.)
3. The Block Education Officer, Katghora, District Korba (C.G.)
4. The Director, Public Instruction, Raipur (C.G.).

Present: Shri Ahswani Shukla, Advocate for the petitioners.
Shri Ajay Dwivedi, Panel Lawyer for the State/respondents.

ORDER
(Passed on 13th March 2007)

1. The petitioner was appointed on 21.01.1986 as Deputy Teacher on a fixed pay scale of Rs. 300/-. After completion of two years of probation, he was granted regular pay scale.

2. Learned counsel appearing for the petitioner submit that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit